

09/944,788

REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application is obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are in allowable form.

I. INFORMATION DISCLOSURE STATEMENT

The Examiner has indicated that the IDS filed on October 25, 2004 fails to comply with the requirements of 37 CFR 1.98(a)(2) because legible copies of each non-patent reference listed therein have allegedly not been provided. The Applicants will be providing the Examiner with a copy of the IDS filed on October 25, 2004, as well as copies of the nineteen non-patent references cited therein, in a separate communication filed shortly hereafter. The Applicants respectfully urge the Examiner to consider the cited references in connection with further prosecution of the present application and any replies issued in connection with this response.

In addition, the Applicants will provide a copy of the return postcard stamped by the USPTO on October 25, 2004 acknowledging receipt by First Class Mail of thirty-eight references (nineteen US patent references and nineteen non-patent referenced) in connection with the October 25, 2004 IDS. The Examiner's attention is also directed to the nineteen non-patent literature documents listed in Applicants' image file wrapper and having a common Mail Room date of October 25, 2004. As there is sufficient evidence that copies of the nineteen non-patent references were provided to the USPTO on October 25, 2004, the Applicants respectfully submit that they have complied with their duty of candor in a timely manner, and that the copies that will be provided to the Examiner in the separate communication should be considered as having been timely disclosed.

Lastly, the Applicants filed a Supplemental Information Disclosure Statement on July 20, 2005, in which four references were provided for the Examiner's review. The Examiner is respectfully urged to consider these four references in connection with further prosecution of the present application and any replies issued in connection with this response.

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II. REJECTION OF CLAIMS 1-6 UNDER 35 U.S.C. § 103

Claims 1-6 stand rejected as being unpatentable over the Ericsson application (WO 00/25527, hereinafter "Ericsson") in view of the Garg et al. patent (U.S. 6,453,346, hereinafter "Garg"). The Applicants respectfully traverse the rejection.

In particular, the Applicants respectfully submit that the grounds of rejection in the present Office Action are substantially identical to the grounds of rejection previously provided in the Office Action of June 16, 2004 and addressed in the Applicants' response of October 18, 2004. Thus, despite the Examiner's assertion that the arguments made in the October 18, 2004 response were considered but found to be moot in light of new grounds of rejection, the Applicants submit that the present grounds of rejection do not actually constitute new grounds of rejection. Moreover, the Examiner has not addressed the arguments presented in the October 18, 2004 response, nor provided any reason as to why such arguments were not persuasive. Accordingly, the Applicants submit that the arguments presented in the October 18, 2004 response (herein incorporated by reference) still stand, and assume that said arguments were not only sufficient to overcome the rejections made in the June 16, 2004 Office Action, but are sufficient to overcome the rejections made in the present Office Action as well.

Therefore, the Applicants submit that claims 1-6 are not made obvious by the teachings of Ericsson in view of Garg, and thus fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

III. CONCLUSION

Thus, the Applicants submit that all of the presented claims fully satisfy the requirements of 35 U.S.C. §103. Consequently, the Applicants believe that all of these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is

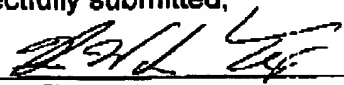
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requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

7/22/05
Date

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Respectfully submitted,


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